

Maine Revised Statutes
Title 22: HEALTH AND WELFARE
Chapter 258-A: BOARD OF PESTICIDES CONTROL

§1471-R. NOTIFICATION AND MONITORING

1. Purpose. The purpose of this section is to protect the public health and safety by requiring a system of notification to the public and to the board for forest insect aerial spray projects and by improving the monitoring of these projects.

[1983, c. 819, Pt. A, §54 (NEW) .]

2. Scope. The requirements of this section apply to public and private forest insect aerial spray pesticide applications.

[1983, c. 819, Pt. A, §54 (NEW) .]

3. Notification to the public. Prior to the commencement of a forest insect aerial spray application, notice shall be given to the public as follows.

A. If the project is a major forest insect aerial spray application, as defined in section 1471-C, the notification shall be as follows.

(1) At least 14 days, but not more than 30 days, prior to spray application, notice shall be published in a newspaper of general circulation in the area affected. The notice shall describe the proposed spray activity, the area to be sprayed, the pesticide to be used, the date or dates on which the spraying is proposed to take place, any public precautions which appear on the pesticide label and the name, address and telephone number of persons responsible for the activity from whom more specific information regarding spray areas and times may be obtained.

(2) Any additions of spray blocks or changes in the choice of insecticides from the notification required pursuant to subparagraph (1) shall be published in a newspaper of general circulation in the area affected at least 24 hours before the change is effected.

(3) Notice shall be conspicuously posted at each point of major ingress and egress of the public into the area to be sprayed, including, without limitation, marked foot trails known to be used by the public and roads accessible to 4-wheeled vehicles and open to the public. The notice shall contain the information described in subparagraph (1). The board shall determine the time period the notice shall be posted prior to the commencement and following the completion of the spray project.

[1983, c. 819, Pt. A, §54 (NEW) .]

B. If the project is a minor forest insect aerial spray application, as defined in section 1471-C, the notification shall be as follows: Notice in a newspaper of general circulation in the areas affected at least 4 days, but not more than 10 days, before the commencement of spray application. The notice shall contain the information required in paragraph A, subparagraph (1). [1983, c. 819, Pt. A, §54 (NEW) .]

C. Notice shall otherwise be provided, as required by rule or order of the board, when that board determines additional notification procedures to be necessary to reach the affected public. [1983, c. 819, Pt. A, §54 (NEW) .]

[1983, c. 819, Pt. A, §54 (NEW) .]

4. Notification to the board. Written notice shall be given to the board:

A. At least 15 days, but not more than 30 days, prior to the commencement of a major forest insect aerial spray application; or [1983, c. 819, Pt. A, §54 (NEW).]

B. At least 5 days prior to the commencement of a minor forest insect aerial spray application. [1983, c. 819, Pt. A, §54 (NEW).]

The notice shall contain the information required under subsection 3, paragraph A, subparagraph (1), and shall also include any other information which is required by the board. The notice shall be on such form as the board may prescribe.

[1983, c. 819, Pt. A, §54 (NEW) .]

5. Reports. The following reports shall be prepared.

A. Following the completion of each spray period, a written spray period report prepared by the monitor, as defined in section 1471-C, shall be made available to the board within a reasonable time period established by the board.

The report shall describe the spray activity, shall certify the area actually sprayed and the pesticide used, weather conditions at the time, a map showing where spray booms were turned on and off and any nontarget areas that were sprayed, and the date and time on which spraying took place. The report shall be on such form and filed in accordance with such procedure as the board may prescribe. [1983, c. 819, Pt. A, §54 (NEW).]

B. In the event that a reportable spray incident occurs, a spray incident report shall be telephoned to the board immediately following the completion of each spray period. A reportable spray incident is a misapplication which may result in a potential threat to public health or the environment, including, without limitation: Failure to turn off spray booms over sensitive areas such as water bodies or human habitation; aircraft accidents involving chemical spills; and accidental discharge of insecticide, causing risk to human health. The report shall be on such form and filed in accordance with such procedure as the board may prescribe.

The spray contracting firm or applicator shall be responsible for complying with the requirements of this section. [1983, c. 819, Pt. A, §54 (NEW).]

C. A project report as described in the board's regulations shall be filed in accordance with such procedure as the board may prescribe. [1983, c. 819, Pt. A, §54 (NEW).]

[1983, c. 819, Pt. A, §54 (NEW) .]

6. Responsibility. The following parties shall be responsible for complying with the requirements of this section, unless otherwise noted:

A. In the case of a forest insect aerial spray program administered pursuant to Title 12, chapter 803, the Bureau of Forestry; and [1983, c. 819, Pt. A, §54 (NEW); 2011, c. 657, Pt. W, §7 (REV); 2013, c. 405, Pt. A, §23 (REV).]

B. In the case of any other forest insect aerial spray activities, the landowner or the landowner's representative, or, if the land is leased, the lessee. [1983, c. 819, Pt. A, §54 (NEW).]

[1983, c. 819, Pt. A, §54 (NEW); 2011, c. 657, Pt. W, §7 (REV); 2013, c. 405, Pt. A, §23 (REV) .]

SECTION HISTORY

1983, c. 819, Pt. A, §54 (NEW). 2011, c. 657, Pt. W, §7 (REV). 2013, c. 405, Pt. A, §23 (REV).

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